

PATENT COOPERATION TREATY

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From the INTERNATIONAL SEARCHING AUTHORITY

PCT

DOCKET DEPT

To:
STEVEN J. ROCCI
WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
PHILADELPHIA, PA 19103

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SEP 05 2006

Woodcock Washburn

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing
(day/month/year)

Applicant's or agent's file reference
MSFT-4417

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.
PCT/US04/24508

International filing date
(day/month/year) 29 July 2004 (29.07.2004)

Applicant
MICROSOFT CORPORATION

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70.

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☒ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☒ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, within **20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Facsimile No. (571) 273-3201

Authorized officer

Jeffrey A Gaffin

Telephone No. (571)272-2100

Form PCT/ISA/220 (January 2004)

(See notes on accompanying sheet)

(306724.07)

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

To:
STEVEN J. ROCCI
WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
PHILADELPHIA, PA 19103

Date of mailing
(day/month/year) **31 AUG 2006**

Applicant's or agent's file reference
MSFT-4417

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.
PCT/US04/24508

International filing date
(day/month/year) 29 July 2004 (29.07.2004)

Applicant
MICROSOFT CORPORATION

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

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Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70.

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

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☒ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

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The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, within **20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

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Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
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Alexandria, Virginia 22313-1450
Facsimile No. (571) 273-3201

Authorized officer

Jeffrey A Gaffin

Telephone No. (571)272-2100

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference MSFT-4417	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US04/24508	International filing date (<i>day/month/year</i>) 29 July 2004 (29.07.2004)	(Earliest) Priority Date (<i>day/month/year</i>) 21 August 2003 (21.08.2003)
Applicant MICROSOFT CORPORATION		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

a. With regard to the **language**, the international search was carried out on the basis of:



the international application in the language in which it was filed.



a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (See Box No. III)

4. With regard to the **title**,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

PER PCT Rule 4.3: SYSTEMS AND METHODS FOR PROVIDING RELATIONAL HIERACHICAL SYNCHRONIZATION SERVICES.

5. With regard to the **abstract**,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 3



as suggested by the applicant.



as selected by this Authority, because the applicant failed to suggest a figure.



as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/24508

A. CLASSIFICATION OF SUBJECT MATTER

IPC: **G06F 12/00(2006.01),17/30(2006.01)**

USPC: 707/200,201,202,203,204

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 707/200, 201, 202, 203, 204

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
east, google

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
synchronizing, vector, change, modify, instance

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X — Y	US 6,317,754 B (<i>PENG</i>) 13 November 2001 (13.11.2001), column 2, lines 50 to col. 8, lines 35.	1-8, 11-18, 21-28
X — Y	US 2004/0267834 A (<i>SASAKI</i> et al) 30 December 2004 (30.12.2004).	9, 10, 19, 20, 29, 30



Further documents are listed in the continuation of Box C.



See patent family annex.

* Special categories of cited documents:	
"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier application or patent published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search
20 July 2006 (20.07.2006)

Date of mailing of the international search report

31 AUG 2006

Name and mailing address of the ISA/US
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
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Authorized officer

Jeffrey A Gaffin

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Jeffrey A Gaffin

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To: STEVEN J. ROCCI WOODCOCK WASHBURN LLP ONE LIBERTY PLACE, 46TH FLOOR PHILADELPHIA, PA 19103

Date of mailing (day/month/year) 31 AUG 2006
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Applicant's or agent's file reference MSFT-4417	FOR FURTHER ACTION See paragraph 2 below
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International application No. PCT/US04/24508	International filing date (day/month/year) 29 July 2004 (29.07.2004)	Priority date (day/month/year) 21 August 2003 (21.08.2003)
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International Patent Classification (IPC) or both national classification and IPC IPC: G06F 12/00(2006.01),17/30(2006.01) USPC: 707/200,202,202,203,204
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Applicant MICROSOFT CORPORATION

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 20 July 2006 (20.07.2006)	Authorized officer Jeffrey A Gaffin Telephone No. (571)272-2100
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US04/24508

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US04/24508

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>9,10,19,20,29 and 30</u>	YES
	Claims <u>1-8,11-18and 21-28</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-30</u>	NO
Industrial applicability (IA)	Claims <u>1-30</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Please See Continuation Sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US04/24508

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-8, 11-18, 21-28 are novelty under PCT Article 33(2) as being anticipated by Peng US 6,317,754.

Claim 1 .Peng discloses:A method for synchronizing a plurality of instances for a data platform, including without limitation a replica or a data source with or without an adapter, and said plurality of instances comprising a sync community, said method comprising synchronization, synchronization manager (adapter), objects (instances), Col 9 lines 25-30, 31-36, Figs2-7):

uniquely enumerating changes in sequence (e.g., increasing numbers) on an instance by instance basis (a change number) (update stamp, identifier, Col 3 lines 18-20, 43-45);

maintaining a vector for each instance, said vector comprising a most recent change number for said instance, as well as a most recent known change number for each other instances from among said plurality of instances that are known to said instance (each a known instance), wherein said vector (comprising change numbers for each known instance) inherently represents all changes that have been made to said instance vector, update stamps, identifier, Col 3 lines 15-20, 43-45).

Claim 2, Peng discloses the elements of claim 1 as above and furthermore it discloses wherein said change number comprises a unique identification number for said instance and a relative incremental count of changes made to said instance (update stamps (incremental count), identifier, Col 3 lines 15-204.

Claim 3. Peng discloses the elements of claim 1 as above and furthermore it discloses wherein a first instance, to spatially synchronize with a second instance, requests changes from said second instance by sending to said second instance its vector, and wherein said second instance, based on the vector it receives from said first instance, sends to said first instance only those changes that said first vector has not yet received (vector, differential synchronization (spatially synchronize), objects (instance), Col 3 Lines 26-35, Col 5 Lines 48-61).

Claim 4, Peng discloses the elements of claim 3 as above and furthermore it discloses wherein said second instance, based on the vector it receives from said first instance, further determines that said first instance has changes, said second instance, has not yet received, and sends its own vector to said first instance to request these changes, and wherein said first instance, based on the vector it receives from said second instance, sends to said second instance only those changes that said second vector has not yet received sends vectors, receive

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US04/24508

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

vectors, Col 5 Lines 40-59).

Claim 5, Peng discloses the elements of claim 1 as above and furthermore it discloses wherein a first instance, when changing a first Item to c (via a Relationship) to a second Item that was not previously being synchronized (e.g., an out-of-scope Item), to send all change information pertaining to said second item to a second instance when synchronizing with said second instance so that said second item in said second instance is synchronized with said second Item in said first instance Col. 10 Lines 21-29).

Claim 6, Peng discloses the elements of claim 1 as above and furthermore it discloses when by default operation a parent Item is transmitted before a child item to said parent Item, and wherein a plurality of changes are typically transmitted in sequential order of a plurality of change numbers corresponding to said changes during a synchronization, and wherein between synchronizations a child item is changed and then a parent Item is changed in a first instance, any change units pertaining to said child Item are sent from said first instance to a second instance during a synchronization only after all change units predefining to the parent Item are sent Isynchronization, ordering, Col 6 Lines 31-39).

Claim 7, Peng discloses the elements of claim 1 as above and furthermore it discloses wherein, for an Item deleted by a first instance, a tombstone comprising the identification of the Item deleted is created, and said tombstone is sent as part of a synchronization to notify a second instance to identify the Item to be deleted in said second instance delete, identifier, Col 13 Lines 57-63).

Claim 8, Peng discloses the elements of claim 7 as above and furthermore it discloses wherein, for a first instance having a parent Item and a first child Item to said parent Item, when said child Item is deleted and then said parent item is deleted, said first instance sending only the change to said parent Item (that is, the tombstone for said parent Item) to a second instance during a synchronization where (a) the deletion of a parent Item automatically results in the deletion of all children Items for said parent or (b) the second instance, receiving the tombstone for the parent Item, proceeds to delete the parent item and automatically deletes the child Item delete, Col 6 Lines 46-50, Col. 13 Lines 57-63).

Subject matter of claims 11 - 18 and 21 - 28 are rejected in the analysis 8 above in claims 1 - 8 and these claims are rejected on that basis.

Claims 9, 10, 19, 20, 29, 30 are an inventive step under PCT Article 33(3) as being obvious over Peng in view of Sasaki et al Pub No: 2004/0267834 (hereinafter Sasaki).

Claim 9, Peng discloses the elements of claim 1 as above but does not explicitly indicate the elements of claim 9, wherein a first Relationship and a second Relationship of a first instance swap names using a temporary name element such that, in order, (a) the name of the first Relationship is transferred to said temporary name element, (b) the name of the second Relationship is transferred to said first Relationship, and (c) said name stored in the temporary name element is copied to said second Relationship, and wherein said first instance synchronizes with a second instance and sends a duo of change units representing, in order, (i) the new name for said first Relationship and (ii) the new name for said second Relationship, and wherein effecting the first of said duo of changes (a first change) results in an error in the second instance because a result of said first change, is for the first Relationship and the second Relationship having the same name (an attempted change), a method by which said second instance proceed to copy said name of the first Relationship to a local temporary name element and (Synchronization, related object, Sasaki paragraph 0045, 0068, Fig 3A-6): if, during the synchronization, a subsequent change is received for copying the name of said second Relationship to said first relationship occurs, then performing said change as well as also copying said name in said local temporary name element to said first Relationship copy, related object, synchronization, keys, replaced (change), Sasaki paragraph 0054, 0068, Fig 3A-6), and if, during the synchronization, a subsequent change is not received for copying the name of said second Relationship to said first relationship occurs, then raising a conflict regarding the attempted change (copy, related object, synchronization, keys, Sasaki paragraph 0068, Fig 3A-6). It would have been obvious to one of ordinary skill in the art of data processing to have combined the two references because the elements as disclosed by Sasaki would have enabled Peng to avoid conflicts with the storage of processing capacities of the mobile device, such as, using excessive amount of memory to store related objects which adversely impacts the performance of the mobile device sasaki paragraph 0005).

Furthermore Sasaki disclosure would serve to enable Peng download all objects even though the data objects related to a particular data object may not be already present in the device Sasaki paragraph 0005).

Claim 10, Peng discloses the elements of claim 1 as above and furthermore it discloses wherein, for synchronization between a first instance on a storage platform that allows a dangling relative reference and a second instance on a storage platform that does not allow a dangling relative reference that include at least one change to a relative reference and at least one other change (in that order), sending said change to said relative references after said one other changes key deleted or ignored (dangling relative reference), copy, related object, synchronization, keys, Sasaki paragraph 0068, Fig 37i-6).

11. Subject matter of claims 9 - 20 and 19 - 30 are rejected in the analysis above in claims 9 - 10 and these claims are rejected on that basis.

Claims 1-30 meet the criteria set out under PCT Article 33(4).

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1*bis*(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43*bis*.1(c)).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article," "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Volume I/A, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

What parts of the international application may be amended ?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When ? Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How ? Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments ?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.